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**Communication Certification Laboratory**

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JUN 30 1999

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July 2, 1999

Ms. Magalie Roman Salas  
Secretary, Federal Communications Commission  
Room TW-A325  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

ORIGINAL

Re: Ex-Parte Presentations as permitted by FCC Public Notice dated June 10, 1999, Common Carrier Bureau Will Hold Fora on Deregulation/Privatization of Equipment Registration and Telephone Network Connection Rules (47 C.F.R. Part 68), CC Docket No. 99-216, DA 99-1108

Dear Ms. Salas:

Communication Certification Laboratory ("CCL")<sup>1</sup> hereby submits this Request for in-person ex-parte presentations during the FCC's Public Fora as permitted in the FCC Public Notice released June 10, 1999, in the matter of the Common Carrier Bureau's Fora on Deregulation/Privatization of Equipment Registration and Telephone Network Connection Rules CC Docket No. 99-216, DA 99-1108.

As there are (3) Public Fora, this request is for (3) ex-parte presentations, one for each forum.

The following is a summary of the three requested ex-parte presentations:

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1 Communication Certification Laboratory (CCL) is an independent test laboratory specialized in the testing of telecommunications and information technology equipment according to various industry and government standards, including equipment falling under the jurisdiction of Part 2, Part 15 and Part 68 of the Commission's Rules.

## **FORUM 1:**

In Forum #1, the Commission seeks Comment on what rules are clearly no longer necessary in the current Part 68. The FCC also asks if specific criteria are necessary to protect the telephone network, what they are, and why they are necessary, and if necessary, how these criteria should be structured to address the requirements of new technologies.

### ***For Forum #1, CCL's presentation will cover the following points and recommendations:***

1. The technical criteria necessary to protect the Network are all listed in FCC Part 68. The technical criteria as stated below, which form the basis for the requirements in Part 68, are still valid today for the same reasons as originally written:
  - Protection of telephone personnel,
  - Preventing damage telephone company equipment,
  - Preventing malfunction of telephone company billing equipment, and
  - Preventing degradation of service to persons other than the user of the subject terminal equipment, that is calling are being called.
2. In addition, the FCC Rules in general cover requirements to ensure access to emergency services and to facilitate the use of terminal equipment by users with disabilities. It would be appropriate for the FCC to include similar requirements as part of the fundamental purpose of Part 68.
3. In addition to minimizing any harm to the network, a minimum set of requirements, such as the Part 68, levels the playing field for manufacturers, network operators, and consumers of telecommunications equipment. In addition, a centralized set of requirements, backed by the authority of the FCC, would prevent a situation where different state regulators might impose differing requirements relating to telecom equipment attachment requirements.
4. Some sections of the Part 68 Rules may be reduced to a one-paragraph referencing private industry Standards (see reasons and rationales outlined in presentation in Forum #2 below). These sections include Subpart F and portions of Subpart D, as well as portions of Subpart A of Part 68. Specific details and recommendations of the actual paragraph will be elaborated during CCL's presentation. CCL estimates that our recommendations will reduce Part 68 by approximately 85% or 132 pages.
5. If the technical criteria in the FCC Part 68 are not followed, there is greater danger to the implementation of new technologies, due to greater potential interference from existing services.

## **FORUM 2:**

In Forum #2, the FCC solicits comments on creating a new paradigm in the private industry sector to replace 47 C.F.R. Part 68.

### ***For Forum #2, CCL's presentation will cover the following points and recommendations:***

To create a new paradigm in the private sector to replace 47 C.F.R. Part 68 while continuing to address the network harm elements, CCL identified several basic issues that affect the creation of any new structure. Our presentation will address the following points:

1. There should only be a single set of mandatory standards (hereinafter called technical requirements recognized by the FCC for connection of CPE to the network, which will be referred to for the sake of discussion as "ANSI Part 68").
2. The basic harms defined in Section 68.3 of the current rules are still valid.
3. The FCC must maintain an oversight role in development of the technical requirements by the private industry sector.
4. CCL recommends the use of a Private Sector Standards Development Organization (SDO), such as the Telecommunications Industry Association ("TIA") or ANSI C63 or the Alliance for Telecommunications Industry Solutions ("ATIS") who will provide an open forum to develop the technical requirements. The Open Forum must follow due process provisions outlined in ANSI procedures. This Forum will produce and maintain the privatized "ANSI Part 68".
5. The specific issues of the "ANSI Part 68" will be referenced in the FCC Rules and are subject to final approval by the Commission.
6. Regardless of how the body is selected, CCL recommends that only one committee be chosen to be the keeper of the ANSI Part 68. It will benefit Industry to have a single source document with a consistent format.
7. In order for any new paradigm to be effective, the FCC must implement a strong enforcement process that addresses non-compliance and intentional violations of the regulations.
8. The new paradigm must be dynamic to promote competition and avoid market access delay, without excluding small businesses.
9. The New Forum chosen to be the keeper of the new "ANSI Part 68" must address the issues of handling new technologies in an efficient and expedited manner.

10. Further, CCL believes that restructuring the Part 68 rulemaking process in the manner proposed in our presentation will significantly reduce FCC resources needed to maintain 47 C.F.R. Part 68.

### **FORUM 3:**

Under the concerns to be discussed in Forum #3, the FCC requests inputs on how the certification procedural rules could be streamlined either by the Government or private entities. In addition, the Commission seeks opinions on whether portions of the Guide to FCC Form 730 should be implemented as procedural rules and what portions of Form FCC form 730 are no longer necessary.

***For Forum #3, CCL's presentation will address the following issues with recommendations aimed at reducing the burden of administering the Part 68 program by the Common Carrier Bureau:***

1. The present certification process for terminal equipment has provided safeguards in the placing of terminal equipment on the market by ensuring that only equipment compliant with the FCC's requirements and labeled as such may be deployed. Because the equipment must bear the FCC certification label before deployment, the supplier cannot discriminatorily market non-compliant equipment under marketing pressure. The present certification process allows the FCC to have traceability of certification by referring to a database of certified equipment.
2. The disadvantage of the present process is that it introduces a significant delay in the deployment of terminal equipment and creates a heavy administrative burden on the FCC. The following recommendations will **a)** reduce the burden of administering the program, **b)** facilitate the implementation of Mutual Recognition Agreements ("MRA") and **c)** fulfill the FCC's mandate to protect the public interest:
  - A. Under GEN Docket 98-68, the Commission has mandated the formation of Telecommunication Certification Bodies ("TCB") which will allow the privatization of the equipment authorization procedures as required by the MRA. These bodies are scheduled to become operational by January 2000. CCL recommends that the FCC allow these bodies to become operational by October 1, 1999. In so doing the FCC must provide an interim recognition of the bodies who have submitted the application to become a TCB. The recognition will become final when NIST completes its assessment process.
  - B. During the interim period, the TCBs will operate as official bodies and the certification grants issued by the TCBs during this period are comparable to the FCC's grant.
  - C. Starting October 1, 1999, the FCC will cease to accept applications for

equipment certification under Part 68. All applications must be submitted to one of the TCBs recognized by the Commission.

- D. The TCBs allowed to operate during this interim period must have submitted an application for accreditation under ISO/IEC Guide 65 to a NIST recognized accreditation organization.
- E. The TCBs allowed to operate during this interim period must be currently accredited to ISO/IEC Guide 25 for FCC Part 68 testing.
- F. Only those TCBs accredited to ISO/IEC Guide 65 by a NIST recognized accreditation organization after the interim period are allowed to remain operational.
- G. Each TCB must maintain a public database of all equipment that it certified. The FCC and the Industry must have open access to these databases.
- H. These recommendations will greatly reduce the amount of resources required by the FCC to administer the FCC Part 68 Registration Program. The efforts of the FCC staff should be devoted to enforcement activities and filling the role of final arbitrator.

CCL is a test laboratory with experience in dealing with Part 68 since the inception of the program. CCL's staff includes experienced telecom engineers who are involved, not only with the testing to Part 68, but also with Industry groups that formulate and provide input to Part 68. CCL's Director of Engineering, Anh Wride, currently serves as the Chair of TIA TR41.9 Committee on Terminal Attachment Programs. The in-person ex-parte presentations from CCL will draw from CCL's knowledge of the issues concerning Part 68 and its future, while keeping the balancing of various interests in perspective.

CCL respectfully requests the permission to provide in-person ex-parte presentations as summarized above.

A handwritten signature in black ink, appearing to read 'William S. Hurst', with a long horizontal line extending to the right.

William S. Hurst, P.E.  
Communication Certification Laboratory  
Vice-President

Cc: Parties of Record

## CERTIFICATE OF SERVICE

I, William S. Hurst, do hereby certify that copies of the foregoing Ex-parte Presentation Comments have been sent by first-class mail, on this 2nd day of July, 1999, to the following:

Ana Gomez  
Chief, Network Services Division  
Common Carrier Bureau  
FEDERAL COMMUNICATIONS COMMISSION  
Room 6A270  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

Julius Knapp  
Chief, Policy & Rules Division  
Office of Engineering and Technology  
FEDERAL COMMUNICATIONS COMMISSION  
Room 7A236  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

Art Wall  
Associate Chief, Policy & Rules Division  
Office of Engineering and Technology  
FEDERAL COMMUNICATIONS COMMISSION  
Room 7A236  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

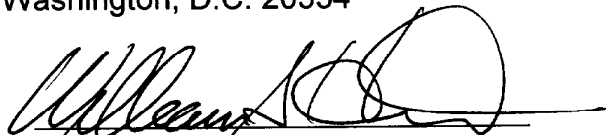
Susan Magnotti  
Network Services Division  
Common Carrier Bureau  
FEDERAL COMMUNICATIONS COMMISSION  
Room 6A270  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

John Berresford  
Network Services Division  
Common Carrier Bureau  
FEDERAL COMMUNICATIONS COMMISSION  
Room 6A270  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

Bill E. Howden  
Network Services Division  
Common Carrier Bureau  
FEDERAL COMMUNICATIONS COMMISSION  
Room 6A270  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

John Vu  
Network Services Division  
Common Carrier Bureau  
FEDERAL COMMUNICATIONS COMMISSION  
Room 6A270  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

Debra A. Harper  
Network Services Division  
Common Carrier Bureau  
FEDERAL COMMUNICATIONS COMMISSION  
Room 6A270  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554



William S. Hurst, P.E.